

IN THE CLAIMS:

Please [✓]cancel claim 3, without prejudice.

Please amend Claim 2 to read:

- B⁹
2. (Amended) An isolated nucleic acid comprising a nucleic acid sequence encoding an Mda-5 polypeptide having the sequence of SEQ ID NO:2.

REMARKS

Claims 1, 2 and 4-11 are pending and under consideration. Claims 12-30 have been withdrawn from consideration via Applicants' previous election without traverse of Group I in response to the Restriction Requirement issued on June 28, 2001. Claim 2 is amended as described herein. Claim 3 is cancelled without prejudice to the prosecution of its subject matter in other patent applications.

Claims 1-11 are rejected under 35 U.S.C. § 101 as lacking patentable utility. Claims 2-11 are rejected under the written description requirement of the first paragraph of 35 U.S.C. § 112. Claims 2-11 are also rejected under the enablement requirement of the first paragraph of 35 U.S.C. § 112. Claims 2 and 5-11 are rejected under the second paragraph of 35 U.S.C. § 112. The Examiner also has objected to the specification on the basis of certain informalities detailed below.

In accordance with 37 C.F.R. § 121, Applicants herein provide (1) accurate instructions to amend the specification, the claims and the drawings, (2) replacement paragraphs of the specification and replacement claims in clear form herein, and (3) a version of the specification, the claims and the drawings marked up to show all the changes relative to the previous versions, which appears on